IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3076 OF 2006

Samir @ Shamshuddin Abdul Jamadar and
Riyaj Kutubuddin Kazi .. Applicants

Versus

State of Maharashtra .. Respondent

Mr.A.P.Mundergi, Senior Advocate, with Amol Patankar for applicants
Mr.P.A.Pol for State.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 29th August 2006.

P.C.

. Applicants are arrayed as accused in C.R.

No.28 of 2006 registered on 5th March 2006 with Gadhinglaj Police station for offences punishable under section 302 I.P.C.

2. Upon statement of the grand son of the deceased, applicants were named as accused and later on arrested on 28th March 2006. Investigation is complete. Charge sheet is filed.

3. Application for bail was rejected twice on the ground that the applicants have also been named in the incident by the eye witness, the grand son of the deceased.

4. I have perused the statement with the assistance of Mr.Mundergi and the learned A.P.P. It is stated by the grand son that the applicants had surrounded the deceased a knife blow was administered on the neck by the other accused, Ravi Ingale. Recovery is also at his instance.

5. Allegation is that these applicants had held the deceased and after the assault they ran away. Admittedly, the blow was administered as per the statement of the eye witness, by Ravi Ingale while applicants had held the deceased.

6. In such circumstances and when stringent conditions are being imposed, applicants' request for enlarging them on bail after the charge sheet is filed, can be considered. Hence, the following order would sub-serve the ends of justice.

i) The applicants (Samir @ Shamshuddin Abdul Jamadar and (2) Riyaj Kutubuddin Kazi, arrested in connection with C.R.No.28 of 2006 registered with Gadhinglaj Police Station shall be enlarged on bail subject to furnishing a personal bond of Rs.20,000/- each with

one or two local sureties in the like amount.

ii) The bail is granted subject to condition that the applicants will remain present before the concerned police station on every Saturday between 11.00 and 1.00 p.m. till conclusion of the trial. The applicants shall not reside in the limits of Gadhinglaj Taluka. However, they are allowed to enter the said limits only for the purpose of attending the trial. They shall report as above to the nearest police station after the residential address is forwarded to the Investigating officer of Gadhinglaj police station.

iii) The order of bail will be given effect only after the applicants furnish to the investigating officer the details

about their place of residence and address where they propose to stay after they are enlarged on bail. The applicants will not change their residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution evidence.

v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C.DHARMADHIKARI, J)